

2013 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB422)

Received: 12/3/2013 Received By: mglass
Wanted: As time permits Same as LRB:
For: André Jacques (608) 266-9870 / By/Representing: Jamie Julian
May Contact: Drafter: mglass
Subject: Gambling - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Jacque@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Additional types of raffles

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 12/3/2013			_____			
/P1	mglass 1/10/2014	evinz 12/3/2013	jmurphy 12/3/2013	_____	srose 12/3/2013		
/P2	mglass 1/14/2014	evinz 1/10/2014	jfrantze 1/13/2014	_____	mbarman 1/13/2014		
/P3	mglass	evinz	rschluet	_____	lparisi		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1		evinz	rschluet	_____	srose	srose	
		1/15/2014	1/15/2014	_____	1/15/2014	1/15/2014	

FE Sent For:

<END>

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/P3	mglass	evinz	rschuet		lparisi		

9/15/14

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/P1	mglass 1/10/2014	evinz 12/3/2013	jmurphy 12/3/2013		srose 12/3/2013		
/P2		evinz 1/10/2014	jfrantze 1/13/2014		mbarman 1/13/2014		

FE Sent For:

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1/14/14

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1/14/14
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/P1		evinz 12/3/2013	jmurphy 12/3/2013		srose 12/3/2013		
FE Sent For:		1/2 eev 1/10/14	1/2 eev 1/10/14	gm 1/13			

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FE Sent For:		Jm twig 12/3					

<END>

Gibson-Glass, Mary

From: Julian, Jamie
Sent: Wednesday, November 27, 2013 3:25 PM
To: Gibson-Glass, Mary
Cc: Kovach, Robert
Subject: Amendment for rubber duck/raffle bill requested
Attachments: Duck Race amendment - OCG version v11.004.docx

Hi Mary:

Rob from the Lasee office and myself received some feedback from DOA suggesting changes that would create "certificate of participation" raffles in Wisconsin, much like Minnesota has. This would not limit such raffles to just duck races, but would open up a number of other types of certificate of participation raffles (i.e. "cow chip bingo," golf ball drops, etc.) The modification seems to require the word "drawing" where SB 340 currently strikes it. There is an application fee increase and some other changes.

Attached is a document that outlines the changes we would like to make. The bill is likely going to be heard in the Assembly on December 10th, so we would like to have the amendment before then.

If you have any questions or there are any things I should look at, just let me know.

Have a nice Thanksgiving,

Jamie Julian

Office of Rep. André Jacques
2nd Assembly District

· Room 123 West
State Capitol
· P.O. Box 8952
Madison, WI 53709

(608) 266-9870

Stats 563.03 Definitions. In this chapter:

Amend the definition of raffle:

563.03(12m) "Raffle" means a game of chance in which tickets, certificates of participation or calendars are sold and a drawing for prizes is held.

Stats 563.905 Definitions. In this subchapter:

Add the following definitions:

"Certificate of participation" means an alternate form of a raffle ticket which must contain the same items under 563.93(1) and a record that corresponds to an individually numbered object in a raffle where there is an alternative drawing method as described in Stats XXX or an individually numbered duck in a duck race.

"Drawing" means a random selection of an organization's raffle ticket portion from a container housing all raffle tickets purchased for the raffle, with such selection used to determine a winner. Any other method of drawing must be approved by the Division as described in Stats XXX.

"Duck Race" A game of chance for which certificates of participation are sold, that employs flexible plastic or rubber ducks that are used in a race, and that meets all of the following requirements:

- (a) The ducks are placed in a waterway and the first duck to cross a finish line represents the winner of the raffle.
- (b) All of the ducks are made to be unsinkable and unbreakable.
- (c) A number written in waterproof ink is on each duck and the number is the same as one that is on the certificate of participation that was sold for the raffle.
- (d) All of the ducks are of the same size, shape, and weight.
- (e) The waterway is free of obstructions.
- (f) The race begins with all of the ducks being held behind a barrier and the barrier then being removed or with all of the ducks being dropped by means of a device into the water at the same time.
- (g) All individuals present at the race are prohibited from touching, hindering, or moving the ducks while they are in the waterway.
- (h) The winner is determined by the use of a chute or some other entrapment device that is located at the finish line and that traps the ducks, one at a time, in the order that they cross the finish line.
- (i) The numbers appearing on the winning duck at the time a winner is determined shall be verified in the immediate presence of at least one disinterested party.

563.92 License.

(2) The fee for a raffle license shall be ~~\$25~~ \$45 and shall be remitted with the application. A raffle license shall be valid for 12 months and may be renewed as provided in s. 563.98 (1g). The department shall issue the license within 30 business days after the filing of an application if the applicant qualifies under s. 563.90 and has not exceeded the limits of s. 563.91. All moneys received by the department under this subsection shall be credited to the appropriation account under s. 20.505 (8) (j).

✓ 563.92 License. (1m)The department may issue a Class B license for the conduct of a raffle in which all of the tickets for that raffle are sold on the same day as or for 24 hours prior to the raffle drawing.

563.935

~~(6) (a) Except as provided in par. (b),~~ the purchaser of a ticket must be present at the drawing to win a prize, unless the purchaser gives the ticket to another person who may claim the prize on behalf of the purchaser, but only if that other person is present at the drawing. If the purchaser of the ticket gives the ticket to another person to claim a prize on behalf of the purchaser, the organization conducting the raffle and the department shall not be held responsible or liable in any dispute regarding the ownership of the ticket.

~~(b) Any organization conducting a raffle may, according to procedures determined by the organization, allow the purchaser of a ticket not to be present at the drawing to win a prize.~~

Stats XXX CONDUCTING AN ALTERNATIVE RAFFLE.

If an organization uses an alternative method of selecting winners other than as prescribed in 563.905, the organization must obtain prior approval of the Division of Gaming. The request must include at a minimum:

- (a) organization's name and license number;
- (b) premise name and address where the raffle will be conducted
- (c) type of random selection process to be used for determining winners;
- (d) details of the operation and the conduct of the raffle, including method for selling certificates of participation;
- (e) record-keeping and accounting procedures for the raffle;
- (f) date organization membership approved the raffle and alternative method of selecting winners and;
- (g) signature of designated member

In considering the request, the Division of Gaming must ensure that the raffle and the alternative method of selecting winners comply with statutory and rule requirements for raffles. If approved, the alternative method may be used for future raffles by all organizations without additional Division approval. The approval or denial must be made available upon request and must be posted on the Division of Gaming's Web site.

Admin Code - Game 44

✓ Amendments to correspond to the definitions, etc. that were added to the statutes. \

conv. w/ Joe Gastel:

intent do not need new licenses for
duck races or new raffles

bill needs correction

confirmed w/ Jamie to do this

Gibson-Glass, Mary

From: Julian, Jamie
Sent: Monday, December 02, 2013 3:23 PM
To: Gibson-Glass, Mary
Subject: duck raffle bill

Hi,

I just left you a voice mail but in case you check here first I just wanted to let you know we do not want the sub drafted with the suggested fee increase that was in the information I forwarded from the department.

Thanks,

Jamie Julian

Office of Rep. André Jacque
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2013-00208/P1
MGG:eev:ev

P

D-Note

ASA

to

2013 ASSEMBLY BILL 422

Today
if possible

October 17, 2013 - Introduced by Representatives JACQUE, PETRYK, BALLWEG, BERNIER, BORN, BROOKS, KNODL, MURTHA, NASS, RIPP, TITTL, WILLIAMS and ENDSLEY, cosponsored by Senators LASEE, LEIBHAM, HARSDFORF and SCHULTZ. Referred to Committee on State Affairs and Government Operations.

regen

- 1 AN ACT *to repeal* 563.03 (12m); *to renumber and amend* 563.90; *to amend*
- 2 563.05 (2), 563.91, 563.92 (1m), 563.92 (2), 563.93 (1) (e), 563.93 (1s), 563.93 (4)
- 3 (a), 563.93 (4) (b), 563.93 (4m), 563.93 (5), 563.93 (6), 563.93 (7), 563.93 (8),
- 4 563.93 (9), 563.935 (5), 563.935 (6) (a), 563.935 (6) (b), 563.935 (8), 563.935 (9),
- 5 563.935 (10) (intro.) and 945.01 (3) (b) 1.; and *to create* 563.908, 563.92 (3b) and
- 6 563.98 (1) (f) of the statutes; **relating to:** raffles that involve the racing of
- 7 plastic or rubber ducks. *and approval of other types of raffles.*

Analysis by the Legislative Reference Bureau

The Wisconsin Constitution permits the legislature to authorize certain types of gambling. A raffle conducted by a local religious, charitable, service, fraternal, or veterans' organization is a type of gambling that may be authorized. Under current law, the legislature has authorized the operation of raffles that are games of chance in which tickets are sold and drawings are held.

This bill expands the type of raffles that are authorized to include games of chance for which tickets are sold and that use plastic or rubber ducks in a race. Each "duck" has a number on it, which is the same number that is on a ticket that was sold for the raffle. The duck that first crosses the finish line represents the winner of the raffle. The bill imposes certain requirements for conducting a race, including a requirement that the ducks be the same size, shape, and weight, and that a device be used at the finish line that traps the ducks in the order that they cross.

substitute amendment

substitute amendment

under a Class A or Class B license

← INS ANL-1, 2

ASSEMBLY BILL 422

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

← INSERT 2-1

1 **SECTION 1.** 563.03 (12m) of the statutes is repealed.

2 **SECTION 2.** 563.05 (2) of the statutes is amended to read:

3 563.05 (2) The department may promulgate rules requiring holders of licenses
4 issued under this chapter to post a notice in a conspicuous place where a bingo
5 occasion or raffle ^{game} ~~drawing~~ ^{is being} conducted describing the procedures for filing a
6 complaint against the holder.

7 **SECTION 3.** 563.90 of the statutes is renumbered 563.907 and amended to read:

8 **563.907 Qualified organizations.** Any local religious, charitable, service,
9 fraternal or veterans organization or any organization to which contributions are
10 deductible for federal income tax purposes or state income or franchise tax purposes,
11 which has been in existence for one year immediately preceding its application for
12 a license or which is chartered by a state or national organization which has been in
13 existence for at least 3 years, may conduct a raffle upon receiving a license for the
14 raffle ~~event~~ from the department. No other person may conduct a raffle in this state.

15 **SECTION 4.** 563.908 of the statutes is created to read:

16 **563.908 Types of raffles allowed.** A raffle may not be conducted in this state
17 unless it is one of the following ^{types}

18 (1) A game of chance for which tickets or calendars are sold and a drawing for
19 prizes is held.

ASSEMBLY BILL 422

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(2) A game of chance for which ~~tickets~~ ^{certificates of participation} are sold, that employs flexible plastic or rubber ducks that are used in a race, and that meets all of the following requirements:

(a) The ducks are placed in a waterway and the first duck to cross a finish line represents the winner of the raffle.

(b) All of the ducks are made to be unsinkable and unbreakable.

(c) A number written in waterproof ink is on each duck and the number is the same as one that is on a single ~~ticket~~ ^{certificate of participation} that was sold for the raffle.

(d) All of the ducks are of the same size, shape, and weight.

(e) The waterway is free of obstructions.

(f) The race begins with all of the ducks being held behind a barrier and the barrier then being removed or with all of the ducks being dropped by means of a device into the water at the same time.

(g) All individuals present at the race are prohibited from touching, hindering, or moving the ducks while they are in the waterway.

(h) The winner is determined by the use of a chute or some other entrapment device that is located at the finish line and that traps the ducks, one at a time, in the order that they cross the finish line.

SECTION 5. 563.91 of the statutes is amended to read:

563.91 Limit. No qualified organization under s. 563.90 [✓] 563.907 may conduct more than 200 raffles or more than one calendar raffle during a year.

SECTION 6. 563.92 (1m) of the statutes is amended to read:

563.92 (1m) The department may issue a Class A license for the conduct of a raffle in which some or all of the tickets for that raffle are sold on days other than the same day as ~~that~~ ^{game} the raffle ~~drawing~~ ^{occurs} and in which equal shares of a single ticket

← INSERT 3-18

ASSEMBLY BILL 422

SECTION 6

1 may be sold to one or more purchasers. The department may issue a Class B license
2 for the conduct of a raffle in which all of the tickets for that raffle are sold on the same
3 day as that the raffle drawing occurs ^{game} or within the 24 hours immediately
4 preceding the start of the raffle game

5 **SECTION 7.** 563.92 (2) of the statutes is amended to read:

6 563.92 (2) The fee for a raffle license shall be \$25 and shall be remitted with
7 the application. A raffle license shall be valid for 12 months and may be renewed as
8 provided in s. 563.98 (1g). The department shall issue the license within 30 ^{business} days
9 after the filing of an application if the applicant qualifies under s. ~~563.90~~ 563.907 and
10 has not exceeded the limits of s. 563.91. All moneys received by the department
11 under this subsection shall be credited to the appropriation account under s. 20.505
12 (8) (j).

13 **SECTION 8.** 563.92 (3b) of the statutes is created to read:

14 563.92 (3b) An application for a Class A or Class B license submitted by an
15 organization that plans to conduct a raffle of the type described in s. 563.908 (2) shall
16 include all of the following:

- 17 (a) The name of the organization.
- 18 (b) The address of the premises where each raffle will be conducted.
- 19 (c) Description of the record-keeping and accounting procedures that will be
20 used in conducting each raffle.
- 21 (d) The date the membership approved this type of raffle.
- 22 (e) The signature of the president of the organization.

23 **SECTION 9.** 563.93 (1) (e) of the statutes is amended to read:

24 563.93 (1) (e) The date, time and place of ^{each} ~~the drawing or drawings~~ ^{game} ~~raffle~~

SECTION 10. 563.93 (1s) of the statutes is amended to read:

STET

don't
delete

ASSEMBLY BILL 422

SECTION 10

1 563.93 (1s) Each raffle ticket ^{plain} and each calendar sold by an organization shall
2 include a separate identification number, printed on both the purchaser's and the
3 organization's portion of the ticket or calendar, numbered consecutively in relation
4 to the other tickets or calendars for the same drawing raffle. ^{game}

5 SECTION 11. 563.93 (4) (a) of the statutes is amended to read:

6 563.93 (4) (a) Except as provided in par. (b), tickets for a proposed raffle may
7 not be offered for sale more than 270 days before the date of the raffle drawing ^{game}

8 SECTION 12. 563.93 (4) (b) of the statutes is amended to read:

9 563.93 (4) (b) An organization that existed at least 5 years before the
10 organization was issued a Class A license may offer tickets for sale for a proposed
11 raffle up to one year before the date of the raffle drawing ^{game}

12 SECTION 13. 563.93 (4m) of the statutes is amended to read:

13 563.93 (4m) The organization that conducts a raffle under a Class A license
14 shall provide the purchaser of a raffle ticket or calendar the purchaser's portion of
15 the ticket or calendar before the raffle drawing ^{game} is held, but need not provide it to the
16 purchaser at the time of purchase.

17 SECTION 14. 563.93 (5) of the statutes is amended to read:

18 563.93 (5) All ^{plain} raffle drawings ^{games} shall be held in public.

19 SECTION 15. 563.93 (6) of the statutes is amended to read:

20 563.93 (6) All prizes shall be awarded. The purchaser of a ticket or calendar
21 need not be present at the drawing raffle ^{game} to win a prize.

22 SECTION 16. 563.93 (7) of the statutes is amended to read:

23 563.93 (7) If a raffle drawing ^{game} is canceled, the organization shall refund the
24 receipts to the ticket or calendar purchasers.

25 SECTION 17. 563.93 (8) of the statutes is amended to read:

ASSEMBLY BILL 422

SECTION 17

1 563.93 (8) The organization that holds a raffle ~~drawing~~^{game} shall furnish a list of
2 prize winners to each ticket or calendar holder who provides the organization with
3 a self-addressed stamped envelope and requests the list.

4 **SECTION 18.** 563.93 (9) of the statutes is amended to read:

5 563.93 (9) If a person who holds a Class A license sells equal shares of a single
6 ticket to one or more purchasers for a raffle^{game}, the person shall, prior to the date on
7 which the raffle drawing for which the shares were sold^{game} is held, purchase any shares
8 of the ticket that have not been sold.

9 **SECTION 19.** 563.935 (5) of the statutes is amended to read:

10 563.935 (5) All ^{PLAIN} ~~raffle drawings~~^{games} shall be held in public.

11 **SECTION 20.** 563.935 (6) (a) of the statutes is amended to read:

12 563.935 (6) (a) Except as provided in par. (b), the purchaser of a ticket must be
13 present at the drawing time the raffle is held to win a prize, unless the purchaser
14 gives the ticket to another person who may claim the prize on behalf of the purchaser,
15 but only if that other person is present at the drawing raffle. If the purchaser of the
16 ticket gives the ticket to another person to claim a prize on behalf of the purchaser,
17 the organization conducting the raffle and the department shall not be held
18 responsible or liable in any dispute regarding the ownership of the ticket.

19 **SECTION 21.** 563.935 (6) (b) of the statutes is amended to read:

20 563.935 (6) (b) Any organization conducting a raffle may, according to
21 procedures determined by the organization, allow the purchaser of a ticket not to be
22 present at the drawing time the raffle is held to win a prize.

23 **SECTION 22.** 563.935 (8) of the statutes is amended to read:

← INSERT 6-22

ASSEMBLY BILL 422

563.935 (8) The date, time, and place of the ~~drawing and raffle~~^{raffle game}, the prizes to be awarded, and the prize amount or the methodology used to determine the prize amount shall be posted or announced before the ~~drawing~~.

4 **SECTION 23.** 563.935 (9) of the statutes is amended to read:

5 563.935 (9) If a raffle drawing is canceled, the organization shall refund the
6 receipts to the ticket purchasers.

7 **SECTION 24.** 563.935 (10) (intro.) of the statutes is amended to read:

8 563.935 (10) (intro.) A raffle ~~that is not of the type that is described in s. 563.908~~
 9 ~~and that is conducted~~ under a Class B license to which all of the following apply
 10 is one raffle for purposes of s. 563.91:

11 **SECTION 25.** 563.98 (1) (f) of the statutes is created to read: *and (3)*

12 563.98 (1) (f) For raffles of the type described in s. 563.908 (2), an accounting
13 of all sold and unsold tickets for each raffle.

14 **SECTION 26.** 945.01 (3) (b) 1. of the statutes is amended to read:

15 945.01 (3) (b) 1. A device used in conducting a bingo occasion or raffle event ^{game}
16 under ch. 563, used in conducting a lottery under ch. 565 or used in conducting a race
17 under ch. 562.

18 **SECTION 27. Initial applicability.**

(1) The treatment of section 563.92 (3b) of the statutes first applies to applications that are submitted on the effective date of this subsection.

21 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0208/lins
MGG:.....

1 **Insert ANL-1**

SAJ Under current law, the division of gaming in the Department of Administration (DOA) issues licenses to organizations that are authorized to conduct raffles. A ~~class~~ A license authorizes an organization to sell tickets to the raffle on days other than the day on which the drawing will be held. A ~~class~~ B license allows the sale of tickets for a raffle only on the day the raffle will be held. Under either license, an organization may hold up to ~~270~~ raffles a year or one calendar raffle a year. A calendar raffle is one where a drawing is held and a prize award on certain dates specified on the calendar. C
=

Insert ANL-2 *substitute amendment*

The ~~bill~~ also authorizes an organization that is licensed to hold raffles to request approval to hold a raffle that is not a regular drawing raffle or a duck race. The request for approval must include information such as a description of the method to be used for selling tickets and the type of random selection process to be used for determining winners. DOA may not approve a new type of raffle unless it determines that the raffle will comply with the requirements under current law that apply to raffles in general. This includes a requirement that the drawing, duck race, or other raffle game be held in public and that all of the prizes must be awarded. If ~~the~~ DOA approves a new type of raffle, any other organization holding a Class A or Class B license may conduct this new type of raffle without seeking additional approval. ed

2 **Insert 2-1**

3 **SECTION ~~11~~ 563.03** (4p) of the statutes is created to read:

4 563.03 (4p) "Certificate of participation" means a form of raffle ticket that
5 entitles a person to enter into a raffle as described under s. 563.908 (2) or (3).

6 **SECTION ~~11~~ 563.03** (5r) of the statutes is created to read:

7 563.03 (5r) "Drawing" means a method of (a) random selection of an
8 ~~organization's~~ raffle ticket portion from a container housing all raffle tickets
9 purchased for the raffle, with such selection used to determine a winner, or any other
10 method of drawing approved by the department under s. ~~563.909~~. 9

11 **SECTION ~~11~~ 563.03** (11) of the statutes is amended to read:

1 563.03 (11) "Premises" means any room, hall, enclosure, tent, or outdoor area
2 in which bingo is being played or a raffle game is being held.

3 ~~SECTION 2:~~ 563.03 (12r) of the statutes is created to read:

4 563.03 (12r) "Raffle game" means a drawing as described under s. 563.908 (1),
5 a rubber duck race, or ^{an} other game of chance which has ^{been} approved by the department
6 under s. ~~953~~.909. 563

7 **Insert 3-18**

8 ✓ (i) At least one person who is not holding a certificate of participation for the
9 raffle verifies the number appearing on the winning duck at the time that it crosses
10 the finish line.

11 (3) A game of chance for which a method, other than the methods described in
12 sub. (1) or (2), is used to determine a winner and which has been approved by the
13 department under s. ~~953~~.909. 563

14 ~~SECTION 24m.~~ 563.909 of the statutes is created to read:

15 **563.909 Approval for additional types of raffles.** (1) An organization
16 holding a Class A or Class B license planning to conduct raffles of the type described
17 under s. ~~963~~ 908 (3) shall obtain the approval of the department before conducting
18 such a raffle. The request for approval submitted to the department shall include
19 all of the following information:

20 (a) The name of the organization.

21 (b) The number of the license issued to the organization by the department.

22 (c) The address of the premises where the raffle games will be held.

23 (d) A description of how this type ^{of} raffle will be conducted, including the method
24 to be used for selling certificates of participation and the type of random selection
25 process to be used for determining winners.

1 (e) A description of the record-keeping and accounting procedures that will be
2 used for this type of raffle.

3 (f) The date on which the membership of the organization approved this type
4 of raffle.

5 (g) The signature of a member of the organization who^m the organization has
6 designated to submit the request for approval.

7 (2) The department may not ~~approval~~^{approve} a type of raffle under this section unless
8 it determines that the raffle will comply with the requirements under this
9 subchapter and with any rules promulgated under this subchapter. The department
10 shall issue a written determination as to whether the type of raffle is approved or
11 denied and the basis for its determination. If the raffle is approved, the
12 determination shall include a description of how the raffle must be conducted and
13 a description of record⁼ keeping and accounting procedures that must be used. The
14 department shall post a copy of the determination on the department's Internet site.

15 (3) Upon approval of a type of raffle under this section, any organization
16 holding a Class A or Class B license issued under s. 563.92⁹² may conduct this type
17 of raffle without receiving approval under this section.

18 **Insert 6-22**

19 **SECTION 20c.** 563.935 (6) (a) of the statutes is renumbered 563.935 (6) and
20 amended to read:

21 563.935 (6) ~~Except as provided in par. (b), the~~ The purchaser of a ticket must
22 be present at the drawing at the time the raffle game is held to win a prize, unless
23 the purchaser gives the ticket to another person who may claim the prize on behalf
24 of the purchaser, but only if that other person is present at the drawing raffle game.
25 If the purchaser of the ticket gives the ticket to another person to claim a prize on

1 behalf of the purchaser, the organization conducting the raffle and the department
2 shall not be held responsible or liable in any dispute regarding the ownership of the
3 ticket.

4 **SECTION 20d.** 563.935 (6) (b) of the statutes is repealed.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0208/1dn
MGG:1:.....

eev

(Date)

Jamie:

1. Joe Gastel suggested that the definition of "drawing" include duck races. However, as drafters in creating definitions, we try to use words that accurately describe what is being defined. Because duck race does not really involve a drawing, I instead used the phrase "raffle game" in defining the actual game of chance (raffle, duck race, or other game) that is used for selecting a winner.

2. Note that "certification of participation" is a type of raffle ticket. This means that wherever the word "ticket" appears in current statutes or in the newly created material in this draft, the term includes certificates of participation. Also, I do not understand why there needs to be a special type of raffle ticket for duck races and the new types of raffles. Please review this draft carefully to make sure that the distinction is necessary and that it works. If there is no real distinction, the term "ticket" should be used.

3. As drafted, s. 563.935 (10) will only apply to regular raffles, and s. 563.98 (1) (f) will apply only to duck race raffles and the additional types of raffles that are approved by DOA.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0208/P1dn
MGG:eev:jm

December 3, 2013

Jamie:

1. Joe Gastel suggested that the definition of "drawing" include duck races. However, as drafters in creating definitions, we try to use words that accurately describe what is being defined. Because a duck race does not really involve a drawing, I instead used the phrase "raffle game" in defining the actual game of chance (raffle, duck race, or other game) that is used for selecting a winner.
2. Note that a "certificate of participation" is a type of raffle ticket. This means that wherever the word "ticket" appears in current statutes or in the newly created material in this draft, the term includes certificates of participation. Also, I do not understand why there needs to be a special type of raffle ticket for duck races and the new types of raffles. Please review this draft carefully to make sure that the distinction is necessary and that it works. If there is no real distinction, the term "ticket" should be used.
3. As drafted, s. 563.935 (10) will only apply to regular raffles, and s. 563.98 (1) (f) will apply only to duck race raffles and the additional types of raffles that are approved by DOA.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov

Gibson-Glass, Mary

From: Julian, Jamie
Sent: Tuesday, December 17, 2013 4:19 PM
To: Gibson-Glass, Mary
Subject: RE: Drafting notes for Raffle Bill

for 1P2

Hi:

I just wanted to get back with you before the day gets away. Yes, pull the separate duck language – duck races will be under the umbrella of alternative raffles in 563.909. Therefore most of page 4 is unnecessary as it will show up in the rule that will follow this bill. You referenced on the phone your question of whether the bill would mandate or permit certain types of alternate raffles. Please mandate that duck races shall be allowed and authorize DOA to recognize other alternative raffle games. Please reinstate the “raffle game” language where it is needed to indicate the moment or period of time in which the winner is determined. We will have some info related to the application in the bill (pg 5 ln 8, etc.) – I’m waiting to get some feedback on this probably tomorrow.

Hope that helps. Please let me know if you have additional questions.

Jamie Julian

Office of Rep. André Jacque
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870

*per Jamie:
do not require
rules for duck races*

From: Gibson-Glass, Mary
Sent: Monday, December 16, 2013 2:07 PM
To: Julian, Jamie
Cc: Knudson, Steven A - DOA
Subject: RE: Drafting notes for Raffle Bill

Jamie-

Could you please call me when you get back into the office?

Thanks,

Mary

From: Gastel, Joseph T - DOA [<mailto:Joseph.Gastel@wisconsin.gov>]
Sent: Friday, December 13, 2013 8:32 AM
To: Julian, Jamie; Gibson-Glass, Mary
Cc: Knudson, Steven A - DOA
Subject: Drafting notes for Raffle Bill

Thanks Jamie,

We think that when people think of a raffle, a part of that raffle includes the drawing for the prize. We firmly agree with Jamie and Rep. Jacques that a "drawing" is a specific moment in time – that is the way the statutes have pretty much read since inception and that is the way people have come to commonly understand "drawing". It is commonly terminology for the purchaser of a raffle ticket to want to know "where and when the drawing is held". To remove "drawing" would make it more confusing to the general public. Ticket purchasers need to know where to show up if they want to witness the "drawing". It seems like we should be able to define drawing to mean whatever we need it to – in our particular instance as it is currently defined in statute or as method of selecting a winner that has been approved by the Division. We feel that is a clear to describe it.

As for a Certificate of Participation, we also envision it as a subset of a Class A raffle ticket to be used when the method of selection does not incorporate the traditional raffle ticket stub that is going into a drawing container.

Please let me know if I can answer any questions.

Joe Gastel
p 608-270-2545

From: Julian, Jamie [<mailto:Jamie.Julian@legis.wisconsin.gov>]
Sent: Thursday, December 12, 2013 12:32 PM
To: Gibson-Glass, Mary - LEGIS
Cc: Gastel, Joseph T - DOA
Subject: Drafting notes for Raffle Bill

Mary:

In response to your drafter notes on the duck/raffle bill...

1. I understand your concern over the accuracy of using the word drawing to describe a duck race. Makes sense. However, the purpose of the phrase "raffle drawing" is to pinpoint a moment in time much more than label an event. If you can think of a phrase that would accomplish this purpose we are open to any suggestions. The concern is that "raffle game" is a bit too broad to accomplish its purpose – "raffle drawing" is used in many cases more to indicate the moment at which the winner is determined. Perhaps more suitable language could be used in the appropriate places instead of raffled drawing or game to indicate where the time and place when a winner is determined
2. Joe – can you clarify for us that it is correct that a "certificate of participation" is to be a subset or type of raffle ticket.
Mary – We do not need a special separate category for duck games/raffles – it should fall under/be integrated into other alternative raffles just like ball drops, etc. The goal is to create one, uniform system under which all the various alternative raffle games will be conducted.

I'm not sure if this answers all of you questions. Unfortunately, I will be out of the office tomorrow and Monday, but Joe you are welcome to carbon copy me on any clarifications you would like to make as I believe we are all headed in the same direction and Rep. Jacques was comfortable with DOA's suggestions. For now the application fee will remain the same/not increase as that will likely be a budget/fiscal item in the future.

Thank you,

Jamie Julian

Office of Rep. André Jacque
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0208/Pr P 2

MGG:eev:jm

fr

or Mon. early a.m.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO ASSEMBLY BILL 422

SAJ

RF

regen

1 AN ACT *to repeal* 563.03 (12m) and 563.935 (6) (b); *to renumber and amend*
2 563.90 and 563.935 (6) (a); *to amend* 563.03 (11), 563.05 (2), 563.91, 563.92
3 (1m), 563.92 (2), 563.93 (1) (e), 563.93 (1s), 563.93 (4) (a), 563.93 (4) (b), 563.93
4 (4m), 563.93 (5), 563.93 (6), 563.93 (7), 563.93 (8), 563.93 (9), 563.935 (5),
5 563.935 (8), 563.935 (9), 563.935 (10) (intro.) and 945.01 (3) (b) 1.; and *to create*
6 563.03 (4p), 563.03 (5r), 563.03 (12r), 563.908, 563.909 and 563.98 (1) (f) of the
7 statutes; **relating to:** raffles that involve the racing of plastic or rubber ducks
8 and *approval* of other types of raffles.

Analysis by the Legislative Reference Bureau

The Wisconsin Constitution permits the legislature to authorize certain types of gambling. A raffle conducted by a local religious, charitable, service, fraternal, or veterans' organization is a type of gambling that may be authorized. Under current law, the legislature has authorized the operation of raffles that are games of chance in which tickets are sold and drawings are held.

← *** manual from p. 2 ✓

no 9

This substitute amendment expands the type of raffles that are authorized under a Class A or Class B license to include games of chance for which tickets are sold and that use plastic or rubber ducks in a race. Each "duck" has a number on it, which is the same number that is on a ticket that was sold for the raffle. The duck that first crosses the finish line represents the winner of the raffle. The substitute amendment imposes certain requirements for conducting a race, including a requirement that the ducks be the same size, shape, and weight, and that a device be used at the finish line that traps the ducks in the order that they cross.

Under current law, the division of gaming in the Department of Administration (DOA) issues licenses to organizations that are authorized to conduct raffles. A Class A license authorizes an organization to sell tickets to the raffle on days other than the day on which the drawing will be held. A Class B license allows the sale of tickets for a raffle only on the day the raffle will be held. Under either license, an organization may hold up to 200 raffles a year or one calendar raffle a year. A calendar raffle is one where a drawing is held and a prize awarded on certain dates specified on the calendar.

The substitute amendment also authorizes an organization that is licensed to hold raffles to request approval to hold a raffle that is not a regular drawing raffle or a duck race. The request for approval must include information such as a description of the method to be used for selling tickets and the type of random selection process to be used for determining winners. DOA may not approve a new type of raffle unless it determines that the raffle will comply with the requirements under current law that apply to raffles in general. (This includes a requirement that the drawing, duck race, or other raffle game be held in public and that all of the prizes must be awarded. If DOA approves a new type of raffle, any other organization holding a Class A or Class B license may conduct this new type of raffle without seeking additional approval.

*move
this
to

on p 1.*

*These
include
reque-
ments*

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 563.03 (4p) of the statutes is created to read:

2 563.03 (4p) "Certificate of participation" means a form of raffle ticket that

3 entitles a person to enter into a raffle as described under s. 563.908 (2) or (3).

4 **SECTION 2.** 563.03 (5r) of the statutes is created to read:

5 563.03 (5r) "Drawing" means a method of random selection of a raffle ticket

6 portion from a container housing all raffle tickets purchased for the raffle, with such

1 selection used to determine a winner, or any other method of drawing approved by
2 the department under s. 563.909.

3 SECTION 3. 563.03 (11) of the statutes is amended to read:

4 563.03 (11) "Premises" means any room, hall, enclosure, tent, or outdoor area
5 in which bingo is being played or a raffle game is being held.

6 SECTION 4. 563.03 (12m) of the statutes is repealed.

7 SECTION 5. 563.03 (12r) of the statutes is created to read:

8 563.03 (12r) "Raffle game" means a drawing as described under s. 563.908 (1),
9 ^{or} a rubber duck race ^{or} ~~another~~ ^{other} game of chance ^{that} ~~which~~ has been approved by the
10 department under s. 563.909.

11 SECTION 6. 563.05 (2) of the statutes is amended to read:

12 563.05 (2) The department may promulgate rules requiring holders of licenses
13 issued under this chapter to post a notice in a conspicuous place where a bingo
14 occasion or raffle drawing game is being conducted describing the procedures for
15 filing a complaint against the holder.

16 SECTION 7. 563.90 of the statutes is renumbered 563.907 and amended to read:

17 **563.907 Qualified organizations.** Any local religious, charitable, service,
18 fraternal or veterans organization or any organization to which contributions are
19 deductible for federal income tax purposes or state income or franchise tax purposes,
20 which has been in existence for one year immediately preceding its application for
21 a license or which is chartered by a state or national organization which has been in
22 existence for at least 3 years, may conduct a raffle upon receiving a license for the
23 raffle event from the department. No other person may conduct a raffle in this state.

24 SECTION 8. 563.908 of the statutes is created to read:

1 **563.908 Types of raffles allowed.** A raffle may not be conducted in this state
2 unless it is one of the following types:

3 (1) A game of chance for which tickets or calendars are sold and a drawing for
4 prizes is held.

5 (2) A game of chance for which certificates of participation are sold, that
6 employs flexible plastic or rubber ducks that are used in a race, and that meets all
7 of the following requirements:

8 (a) The ducks are placed in a waterway and the first duck to cross a finish line
9 represents the winner of the raffle.

10 (b) All of the ducks are made to be unsinkable and unbreakable.

11 (c) A number written in waterproof ink is on each duck and the number is the
12 same as one that is on a single certificate of participation that was sold for the raffle.

13 (d) All of the ducks are of the same size, shape, and weight.

14 (e) The waterway is free of obstructions.

15 (f) The race begins with all of the ducks being held behind a barrier and the
16 barrier then being removed or with all of the ducks being dropped by means of a
17 device into the water at the same time.

18 (g) All individuals present at the race are prohibited from touching, hindering,
19 or moving the ducks while they are in the waterway.

20 (h) The winner is determined by the use of a chute or some other entrapment
21 device that is located at the finish line and that traps the ducks, one at a time, in the
22 order that they cross the finish line.

23 (i) At least one person who is not holding a certificate of participation for the
24 raffle verifies the number appearing on the winning duck at the time that it crosses
25 the finish line.

1 (2) ~~(3)~~ A game of chance for which a method, other than the method described in
2 sub. (1) ~~or (2)~~, is used to determine a winner and which has been approved by the
3 department under s. 563.909.

4 SECTION 9. 563.909 of the statutes is created to read:

5 **563.909 Approval for additional types of raffles.** (1) An organization
6 holding a Class A or Class B license planning to conduct raffles of the type described
7 under s. 563.908 (3) shall obtain the approval of the department before conducting

8 such a raffle. The request for approval submitted to the department shall include ^{1 NSE/12}
9 all of the following information: 5-7

10 (a) The name of the organization.

11 (b) The number of the license issued to the organization by the department.

12 (c) The address of the premises where the raffle games will be held.

13 (d) A description of how this type of raffle will be conducted, including the
14 method to be used for selling certificates of participation and the type of random
15 selection process to be used for determining winners.

16 (e) A description of the record-keeping and accounting procedures that will be
17 used for this type of raffle.

18 (f) The date on which the membership of the organization approved this type
19 of raffle.

20 (g) The signature of a member of the organization whom the organization has
21 designated to submit the request for approval.

22 (3) ~~(2)~~ The department may not approve a type of raffle under this section unless
23 it determines that the raffle will comply with the requirements under this
24 subchapter and with any ^{applicable} rules promulgated under this subchapter. The department
25 shall issue a written determination as to whether the type of raffle is approved or

denied and the basis for its determination. If the raffle is approved, the determination shall include a description of how the raffle must be conducted and a description of record-keeping and accounting procedures that must be used. The department shall post a copy of the determination on the department's Internet site.

* (b) (4) (3) Upon approval of a type of raffle under this section, any organization holding a Class A or Class B license issued under s. 563.92 may conduct this type of raffle without receiving ^{specific} approval under this section.

SECTION 10. 563.91 of the statutes is amended to read:

563.91 Limit. No qualified organization under s. 563.90 [✓] 563.907 may conduct more than 200 raffles or more than one calendar raffle during a year.

SECTION 11. 563.92 (1m) of the statutes is amended to read:

563.92 (1m) The department may issue a Class A license for the conduct of a raffle in which some or all of the tickets for that raffle are sold on days other than the same day as that the raffle drawing game occurs and in which equal shares of a single ticket may be sold to one or more purchasers. The department may issue a Class B license for the conduct of a raffle in which all of the tickets for that raffle are sold on the same day as that the raffle drawing game occurs or within the 24 hours immediately preceding the start of the raffle game.

SECTION 12. 563.92 (2) of the statutes is amended to read:

563.92 (2) The fee for a raffle license shall be \$25 and shall be remitted with the application. A raffle license shall be valid for 12 months and may be renewed as provided in s. 563.98 (1g). The department shall issue the license within 30 business days after the filing of an application if the applicant qualifies under s. 563.90 [✓] 563.907 and has not exceeded the limits of s. 563.91. All moneys received by the

1 department under this subsection shall be credited to the appropriation account
2 under s. 20.505 (8) (j).

3 **SECTION 13.** 563.93 (1) (e) of the statutes is amended to read:

4 563.93 (1) (e) The date, time and place of ~~the drawing or drawings~~ each raffle
5 game.

6 **SECTION 14.** 563.93 (1s) of the statutes is amended to read:

7 563.93 (1s) Each raffle ticket and each calendar sold by an organization shall
8 include a separate identification number, printed on both the purchaser's and the
9 organization's portion of the ticket or calendar, numbered consecutively in relation
10 to the other tickets or calendars for the same ~~drawing~~ raffle game.

11 **SECTION 15.** 563.93 (4) (a) of the statutes is amended to read:

12 563.93 (4) (a) Except as provided in par. (b), tickets for a proposed raffle may
13 not be offered for sale more than 270 days before the date of the raffle drawing game.

14 **SECTION 16.** 563.93 (4) (b) of the statutes is amended to read:

15 563.93 (4) (b) An organization that existed at least 5 years before the
16 organization was issued a Class A license may offer tickets for sale for a proposed
17 raffle up to one year before the date of the raffle ~~drawing~~ game.

18 **SECTION 17.** 563.93 (4m) of the statutes is amended to read:

19 563.93 (4m) The organization that conducts a raffle under a Class A license
20 shall provide the purchaser of a raffle ticket or calendar the purchaser's portion of
21 the ticket or calendar before the raffle ~~drawing game is held~~, but need not provide
22 it to the purchaser at the time of purchase.

23 **SECTION 18.** 563.93 (5) of the statutes is amended to read:

24 563.93 (5) All raffle ~~drawings~~ games shall be held in public.

25 **SECTION 19.** 563.93 (6) of the statutes is amended to read:

1 563.93 (6) All prizes shall be awarded. The purchaser of a ticket or calendar
2 need not be present at the ~~drawing~~ raffle game to win a prize.

3 **SECTION 20.** 563.93 (7) of the statutes is amended to read:

4 563.93 (7) If a raffle ~~drawing~~ game is canceled, the organization shall refund
5 the receipts to the ticket or calendar purchasers.

6 **SECTION 21.** 563.93 (8) of the statutes is amended to read:

7 563.93 (8) The organization that holds a raffle ~~drawing~~ game shall furnish a
8 list of prize winners to each ticket or calendar holder who provides the organization
9 with a self-addressed stamped envelope and requests the list.

10 **SECTION 22.** 563.93 (9) of the statutes is amended to read:

11 563.93 (9) If a person who holds a Class A license sells equal shares of a single
12 ticket to one or more purchasers for a raffle game, the person shall, prior to the date
13 on which the raffle drawing for which the shares were sold game is held, purchase
14 any shares of the ticket that have not been sold.

15 **SECTION 23.** 563.935 (5) of the statutes is amended to read:

16 563.935 (5) All raffle ~~drawings~~ games shall be held in public.

17 **SECTION 24.** 563.935 (6) (a) of the statutes is renumbered 563.935 (6) and
18 amended to read:

19 563.935 (6) ~~Except as provided in par. (b), the~~ The purchaser of a ticket must
20 be present at the ~~drawing~~ time the raffle game is held to win a prize, unless the
21 purchaser gives the ticket to another person who may claim the prize on behalf of the
22 purchaser, but only if that other person is present at the ~~drawing~~ raffle game. If the
23 purchaser of the ticket gives the ticket to another person to claim a prize on behalf
24 of the purchaser, the organization conducting the raffle and the department shall not
25 be held responsible or liable in any dispute regarding the ownership of the ticket.

SECTION 25. 563.935 (6) (b) of the statutes is repealed.

SECTION 26. 563.935 (8) of the statutes is amended to read:

563.935 (8) The date, time, and place of the ~~drawing and raffle game~~, the prizes to be awarded, and the prize amount or the methodology used to determine the prize amount shall be posted or announced before the ~~drawing raffle game~~.

SECTION 27. 563.935 (9) of the statutes is amended to read:

563.935 (9) If a raffle ~~drawing game~~ is canceled, the organization shall refund the receipts to the ticket purchasers.

SECTION 28. 563.935 (10) (intro.) of the statutes is amended to read:

563.935 (10) (intro.) A raffle ^{of} that is the type described in s. 563.908 (1) and that is conducted under a Class B license to which all of the following apply is one raffle for purposes of s. 563.91:

SECTION 29. 563.98 (1) (f) of the statutes is created to read:

563.98 (1) (f) For raffles of the type described in s. 563.908 (2) and (3), an accounting of all sold and unsold tickets for each raffle.

SECTION 30. 945.01 (3) (b) 1. of the statutes is amended to read:

945.01 (3) (b) 1. A device used in conducting a bingo occasion or raffle event game under ch. 563, used in conducting a lottery under ch. 565 or used in conducting a race under ch. 562.

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0208/P2ins
MGG:.....

Insert ANL

✓ This substitute amendment expands the types of raffles that may be allowed. Under the amendment, DOA must approve a type of raffle ~~which~~ ^{that} consists of flexible plastic or rubber ducks being used in a race. Once DOA approves this type of raffle, any organization holding a Class A or Class B license may conduct duck race raffles.

Insert 5-7

563.909 Approval for additional types of raffles. (1) The department shall approve a type of raffle ~~which~~ ^{that} consists of flexible plastic or rubber ducks being used in a race. In approving this type of raffle, the department shall establish requirements for conducting this type of raffle so that the raffles will comply with the requirements under this subchapter and any ^{app}rules promulgated under ~~this~~ ^{applicable} subchapter. ✓ s. 563.04 or 563.05

(2) An organization that holds a Class A or Class B license and that seeks to conduct a raffle that is not of the type that is described under s. 563.908 (1) or sub. ✓ (1) shall obtain approval from the department before conducting

Gibson-Glass, Mary

From: Julian, Jamie
Sent: Tuesday, January 14, 2014 9:00 AM
To: Gibson-Glass, Mary
Subject: Raffle bill - final edits

Hi Mary:

Our P2 looks good. Two things:

- 1) I like that you created "raffle game" to be an umbrella term that includes raffle drawing, etc. However, the Dept. of Admin is more comfortable with using raffle drawing – at least at certain points to help pinpoint a moment in time when the winner is determined since a raffle game refers to an activity that may occur on more than one day. Please change game to drawing on page 5 lines 20 & 23; page 6 lines 9, 18 & 22; and, page 7 line 7
- 2) On page 3 line 6 add the following language after chance (before that) where the prize determination is based on a method of random selection and all entries have an equal chance of selection.

Please prepare a final draft of the sub for both our office and the Sen. Lasee office.

Thanks and let me know if you have any questions.

Jamie Julian

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